



THE PRESIDENT'S MESSAGE FOR SPRING

Welcome to the sunshine, daffodils, and ducks a-courting. Spring is trying to spring in Surf Pines. Thank you to our residents who are working on your behalf to make Surf Pines a beautiful place - safe for you, easy to walk, bike and drive. Thank you to Don Kruger who has worked very hard to make sure that your hard-earned dollars are well spent on the road repairs completed last summer. Thank you to Kate Besse for spearheading the repair to Trail five and the SOLVE cleanup of the beach in front of our homes. Thank you to Clarke Powers for his time on the Board as our Treasurer. We will miss his guidance on this coming budget. Thank you to Anne Keller for agreeing to re-join the Board for five months as we tackle a heavy workload. Thank you to former Board Member Dave Butler who will guide us as we formulate the budget for 2018/19. Thank you to the current Board for the hard work load this year. Special thanks to new Board Member John Yerke, who has taken all of your ideas and repeatedly completed ***Standards for Vacation Rentals*** so that your thoughts were incorporated, and the new Clatsop County ordinance was addressed in those Standards.

John Yerke, Don Kruger and I have worked for six months to deliver new CC&Rs for the Association. We hired an expert in Homeowner Association Law, A. Rich Vial, to guide us in this undertaking. We look forward to sharing a draft of the Declaration with all residents in this mailing and in a meeting with you.

→ **Resident Meeting to Understand and Discuss the Declaration of CC&Rs** ←
Friday April 13, 2018 Astoria Country Club 7:00 to 9:00 PM

WHAT IS A DECLARATION? A Declaration of Covenants, Conditions and Restrictions (“Declaration” or “CC&Rs”) is the most important of a Homeowner Association’s governing documents. A Declaration is usually a lengthy document setting up the general structure of an HOA and describing how it operates, what property belongs and is subject to it, what powers and obligations its Board of Directors has, and what rights and responsibilities its members, or Owners, have.

Declarations state that the rules, restrictions, terms, and conditions they contain “run with the land” or, in other words, pass from one Owner to another as the property is sold and resold over the years. This consistency ensures that property values within the HOA remain intact as ownership changes. For Declarations to be binding on subsequent Owners, they must be recorded in the Deed Records of the county in which the HOA is located. Currently, Surf Pines does not have a Declaration.

WHAT DOES SURF PINES HAVE? The Surf Pines Association currently has Articles of Incorporation, Bylaws, and Policies. Each of these documents is necessary for an HOA to be successful.

Articles of Incorporation are filed with the Secretary of State to establish an HOA as a legal entity—specifically a nonprofit corporation—for the purposes of limiting Owner responsibility for the HOA’s debts, losses, and liabilities, and to make financial management of the HOA easier. Articles of Incorporation are typically very brief.

Bylaws are created by the HOA to govern its operation, or how it is run, including setting out rights and procedures for meetings and voting by both the Board of Directors and the Owners.

Policies are adopted by the Board of Directors through Resolutions, and are usually more detailed versions of the rules, restrictions, terms, and conditions contained in the Declaration. For example, a Declaration might expressly give the Board of Directors the authority to adopt restrictions relating to parking or “quiet hours.” The Board of Directors would then, through the adoption of Resolutions, define the specifics of these restrictions.

WHY IS A DECLARATION NECESSARY? Surf Pines' Articles of Incorporation currently contain provisions which are more typically found in a Declaration, such as Membership, Property belonging to the HOA, and Assessments. In addition, they contain several provisions which more often belong in the Bylaws, such as the composition of the Board of Directors, Disenfranchisement, Quorum, and Voting procedures.

Similarly, Surf Pines' Bylaws currently contain information which is usually reserved for a Declaration, such as the Powers and Duties of the Board of Directors and Fiscal Matters, as well as provisions including specific restrictions and requirements relating to nuisances, yard areas, the Oceanfront Set-Back Line, lots, structures, construction, residential use, maintenance, outdoor storage, and parking.

For these reasons, if the Surf Pines Association wished to bring a noncompliant Owner into court to enforce a provision of the Articles of Incorporation or Bylaws that is more typically found in a Declaration, a Judge might decide that the provision in question is unenforceable because it was not contained within a proper Declaration as it should have been.

Therefore, while bringing Surf Pines' governing documents in line with common practice today will make them collectively easier to understand and use, the most important reason for doing so is to ensure that the rules, restrictions, terms, and conditions currently contained in them are enforceable in a court of law.

HOW WILL A DECLARATION CHANGE WHAT SURF PINES HAS NOW? Some ways in which a Declaration could change Surf Pines' current governing documents are as follows.

I. **Property.** Currently, Surf Pines' Articles of Incorporation provide a legal description of the outer boundaries of the Association. They do not, however, clearly distinguish between which property is owned by Owners and which is owned by the Association, or Common Property. In addition, the Articles of Incorporation do not directly recognize any of the existing sub-HOAs other than Strawberry Hill. A proper Declaration could clearly define which property is Common Property, to be managed by the Association, and recognize the authority of existing subdivisions to adopt their own rules, restrictions, terms, and conditions, so long as they do not conflict with Surf Pines Association's governing documents.

II. **Rights.** Currently, Surf Pines' Articles of Incorporation, Bylaws, and Policies contain restrictions on what owners can and cannot do to their Lots and the structures located thereon, but they do not clearly delineate which rights the Owners do have. A proper Declaration could clearly define Owners' exclusive rights to the use and benefit of their Lots and to adjust property lines, formally acknowledge the existence of easements on their Lots, and state the conditions under which the Association has a right to enter their Lots for the benefit of the Association as a whole. In addition, while Surf Pines' Policies currently contain rules governing use of the community park and meeting house, neither they nor the Articles of Incorporation provide a comprehensive list of the easements granted to Owners and other parties on Common Property, or a procedure through which the Association can acquire, designate, and declare additional Common Property. A proper Declaration could clearly define Owners' rights to use all Common Property, should disputes about that issue arise in the future.

III. **Policies.** Currently, Surf Pines' Policies contain restrictions and requirements pertaining to road repair and maintenance, as well as landscaping on Common Property. The Bylaws clearly grant the Board of Directors the authority to adopt and publish these Policies. The Bylaws also contain restrictions and requirements relating to nuisances, yard areas, the Oceanfront Set-Back Line, lots, structures, construction, residential use, maintenance, outdoor storage, parking, and other issues for what Owners can do to and on their own Lots. The Bylaws however, are insufficient to create authority to flesh out policies that are currently not found in any of the other documents, and are by state law required in the Declaration. All specific interpretations made by the Board must be based on authority for adoption of rules on the particular subject found in the Declaration.

IV. **Assessments.** Currently, Surf Pines' Articles of Incorporation, Bylaws, and Policies allow for the assessment of each Owner to fund the use and maintenance of Common Property. These documents do not, however, authorize the HOA to levy assessments against individual Owners for expenses that are their fault. A proper Declaration could formally grant the Board of Directors the authority to levy assessments against individual Owners for costs that are their own fault.

?? ARE YOU INTERESTED IN JOINING THE BOARD OR WORKING ON A COMMITTEE ??

A Board Application is on the web site. Consider helping with the budget Committee, Roads and Grounds Committee or Community Relations Committee. Committee work is a great way to understand the workings of the HOA. We welcome your interest and help.

THINK - Garage Sale

Now is the time to start thinking about getting your Garage Sale items together.

This year our garage sale falls on Saturday June 30th, 8 a.m. to 4 p.m. We'll have the gates open early but your sales starts when you open your garage door and ends when you close it.

The charge to participate is \$5.00. This money will go towards newspaper ads and any new directional signs. Ads will be placed in the local papers and on the internet. To sign up you can call Katie Weber at 503-738-5986. If you have any unusual or interesting items you'd like me to list in the ads please let me know. I'll need your list by June 15th. You can sign up for the sale until the end of June.

SURF PINES PICNIC - SUNDAY JULY 1st - 1 p.m.

Save the date for our annual Surf Pines Picnic in the Park.

Everyone is welcome to come and enjoy a day with their friends and neighbors. Bring your kids and grandkids.

Surf Pines will supply the burgers, hotdogs, condiments, water and pop. We will again have our ice cream sundae table set up with our dessert table. We ask you to bring a side dish or dessert to share.

There will be games for the kids and maybe for the adults too. Please come and join in on the fun day. See you there!

SUNSET LAKE SPEED LIMIT!

The speed limit on all of Sunset Lake is 10 miles per hour. Report violators to 503-325-8635 (Monday-Friday 8-5) or 503-325-2061 all other hours.

DATES FOR YOUR CALENDAR

*CC&Rs Meeting	April 13, 2018	7:00 PM Astoria Golf Club
*Board of Directors Meeting	May 18, 2018	4:00 PM So. Meeting House
*Board of Directors Meeting	June 29, 2018	4:00 PM So. Meeting House
*HOA Garage Sale	June 30, 2018	8:00 AM Surf Pines Homes
*HOA Annual Picnic	July 1, 2018	1:00 PM Surf Pines Park
*SOLV Beach Cleanup	July 5, 2018	10:00 AM Beach Paths
*HOA Annual Meeting	August 5, 2018	9:00 AM Astoria Golf Club

Loving Surf Pines

By Kate Besse

I am writing this article to express my pure joy of living in Surf Pines. Being a part of this community and taking action towards doing my part in being a steward of this parcel of land, along the North Oregon Coast, brings satisfaction in my life every day.

Even though I've only lived here full-time for a year, I know that I'm contributing to this community. Being the "Estrogen" driven member of the Roads and Grounds committee, I've stepped up to be in charge of getting volunteer projects up and running.

Coming from a large family, I know that many hands make less work. My first project was removing the sand spurs from beach path #5. I was so thankful to have received help from fellow Surf Pines residents **Kelly Johnson, Mel and Bonnie Rogie, Richard and Claire Puetz, and John Gates**. Even though the sand spur tap root is still intact, research taught me that sand spurs thrive in sand and suffer in nutrient rich soil.

The next phase of beach Path #5 restoration was ordering 7 cubic yards of compost and 25 pounds of Coastal Grass Seed. With the help of **John Gates**, (and his friend's tractor) and four friends from the Surf Pines Gulpin Gourmet I & II, **Kim Clark, Tami Johnston, Lu Thornton, and Kelly Stearns**, we raked out the compost over the sand spots and shallow grass areas. I dispersed the grass seed, but am waiting for the warmer weather to entice the grass seed germination. Until **May 1st**, Beach Path #5 will be CLOSED, so that the young grass can take root.

Another project, near and dear to my heart is the SOLVE Beach Clean Up that takes place in the spring, July 5th, and in the fall. To entice Surf Pines residents to participate, on the days of this event, I place gloves, waivers, and SOLVE bags on the Ocean Drive beach paths. Anyone that wishes to volunteer, is greatly appreciated. As the Sunset Beach Captain, I work with the Clatsop County Son's of Beaches 4 Wheel Club, who volunteer their time to drive along the beach and pick up the bags of beach debris and dump them in the garbage receptacle. It's great - we don't even need to carry the garbage home, just leave the bag on the beach, on the day of the event. Thank you, **Mel Rogie**, for your participation this past weekend, even though the weather was less than favorable, you showed up.

One more project, that happens every day, that I'm asking all Surf Pines residents help, is adopting the streets, by picking up cigarette butts and garbage. Even if we each just pick up in front of our property along the street, we can contribute in keeping Surf Pines beautiful. I am thankful for my Surf Pines Family in helping with our community projects.

Thank you all, for keeping this neighborhood such a great place to live!